

Exhibit C

From: [Campbell, Eamonn W.](#)
To: [Xinchen Li](#); [Anne Arcoleo](#); [Rudzin, Abby F.](#); [Greg Hollon](#); [Timothy B. Fitzgerald](#); [Elisabeth J. Guard](#); [Lisa Nelson](#); [Jennifer Hickman](#); [Matt Monkress](#)
Cc: TetherLawyers@schneiderwallace.com; [Rachel Slepoy](#)
Subject: RE: In re Tether and Bitfinex Crypto Asset Lit., No. 19-CV-09236 | Bittrex's Responses and Objections to Third RFPs
Date: Wednesday, February 1, 2023 5:52:27 PM

Counsel,

We have received your letter. We will respond as soon as is reasonably possible.

Best,
Eamonn

Eamonn W. Campbell
O: +1-212-728-5878
ecampbell@omm.com

From: Xinchen Li <xli@selendygay.com>
Sent: Monday, January 30, 2023 4:13 PM
To: Campbell, Eamonn W. <ecampbell@omm.com>; Anne Arcoleo <aarcoleo@selendygay.com>; Rudzin, Abby F. <arudzin@omm.com>; Greg Hollon <GHollon@mcnaul.com>; Timothy B. Fitzgerald <TFitzgerald@mcnaul.com>; Elisabeth J. Guard <eguard@mcnaul.com>; Lisa Nelson <LNelson@mcnaul.com>; Jennifer Hickman <JHickman@mcnaul.com>; Matt Monkress <mmonkress@mcnaul.com>
Cc: TetherLawyers@schneiderwallace.com; Rachel Slepoy <rslepoy@selendygay.com>
Subject: RE: In re Tether and Bitfinex Crypto Asset Lit., No. 19-CV-09236 | Bittrex's Responses and Objections to Third RFPs

[EXTERNAL MESSAGE]

Eamonn,

We do not agree it is Plaintiffs' burden to identify which methods of communication Bittrex employees used or provide "evidence" of such use before Bittrex runs the search. Rather, Bittrex has an affirmative duty to investigate the sources of documents and communications responsive to Plaintiffs' RFPs. In any event, please find attached a letter regarding deficiencies in Bittrex's productions.

Regards,
Xinchen

Xinchen Li
Law Clerk [\[Email\]](#)
Selendy Gay Elsberg PLLC [\[Web\]](#)

Pronouns: she, her, hers

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From: Campbell, Eamonn W. <ecampbell@omm.com>

Sent: Friday, January 27, 2023 4:37 PM

To: Anne Arcoleo <aarcoleo@selendygay.com>; Rudzin, Abby F. <arudzin@omm.com>; Greg Hollon <GHollon@mcnaul.com>; Timothy B. Fitzgerald <TFitzgerald@mcnaul.com>; Elisabeth J. Guard <eguard@mcnaul.com>; Lisa Nelson <LNelson@mcnaul.com>; Jennifer Hickman <JHickman@mcnaul.com>; Matt Monkress <mmonkress@mcnaul.com>

Cc: TetherLawyers@schneiderwallace.com; Xinchun Li <xli@selendygay.com>; Rachel Slepoy <rslepoy@selendygay.com>

Subject: RE: In re Tether and Bitfinex Crypto Asset Lit., No. 19-CV-09236 | Bittrex's Responses and Objections to Third RFPs

Counsel,

We disagree with your characterization of the meet and confer. Among other things, we made no representation that Bittrex possesses “no other records associated with the Plaintiffs,” whatever you intend that to mean. We conducted a reasonable search and produced the documents we agreed to produce in response to RFP 77. We agree that we are at an impasse regarding RFPs 75 and 76.

As for your inquiry about messaging platforms, we represented to plaintiffs at the beginning of (and throughout) discovery that email and Slack are the only approved means of communication at Bittrex. Those are what Bittrex has searched. Bittrex did not search other message platforms because Bittrex does not use them. In response to evidence that you provided that Mr. Shihara might have responsive documents in his personal Telegram account, we have been working to collect data from that account and will produce what we find as appropriate. We are doing this to avoid a dispute, not because we agree that Bittrex has an obligation to review and produce Mr. Shihara's personal messages. If you have evidence that any Bittrex custodian was conducting Bittrex business on platforms other than email or Slack, please provide it.

Best,
Eamonn

Eamonn W. Campbell
O: +1-212-728-5878
ecampbell@omm.com

From: Anne Arcoleo <aarcoleo@selendygay.com>

Sent: Tuesday, January 24, 2023 8:48 PM

To: Campbell, Eamonn W. <ecampbell@omm.com>; Rudzin, Abby F. <arudzin@omm.com>; Greg Hollon <GHollon@mcnaul.com>; Timothy B. Fitzgerald <TFitzgerald@mcnaul.com>; Elisabeth J. Guard <eguard@mcnaul.com>; Lisa Nelson <LNelson@mcnaul.com>; Jennifer Hickman

<JHickman@mcnaul.com>; Matt Monkress <mmonkress@mcnaul.com>

Cc: TetherLawyers@schneiderwallace.com; Xincheng Li <xli@selendygay.com>; Rachel Slepoy <rslepoy@selendygay.com>

Subject: RE: In re Tether and Bitfinex Crypto Asset Lit., No. 19-CV-09236 | Bittrex's Responses and Objections to Third RFPs

[EXTERNAL MESSAGE]

Counsel,

We write to memorialize our meet and confer on Monday, January 23, 2023.

Regarding RFP No. 77, Bittrex represented that it produced Plaintiffs' complete trading records in Bittrex Volume 3 and that Bittrex is in possession of no other records associated with the Plaintiffs.

Regarding RFP Nos. 75 and 76, Plaintiffs explained that evidence of coordination among crypto-asset exchanges is relevant to our Sherman Act Section One claim, for which a high degree of communications among competitors is a relevant factor. Bittrex maintained there are no circumstances under which Bittrex would search for or produce documents in response to RFP Nos. 75 and 76, and the parties are at impasse regarding the requests.

Bittrex's refusal to search Signal documents in response to RFP 75—which asks for communications including the “exchange coordination” Signal chat reported in the Wall Street Journal—raises additional concerns. Plaintiffs' initial RFPs, dated December 22, 2021, and all subsequent requests, ask Bittrex to produce “documents,” defined to include “SMS messages; Whatsapp messages; Signal messages; Twitter DMs; Facebook messages; Telegram messages; any other form of messages or communications.” Despite this, Bittrex did not tell Plaintiffs that it did not search Telegram messages until nearly a year later, on October 12, 2022, and then only in response to specific questioning by Plaintiffs. Only after insistence from Plaintiffs did Bittrex agree to produce responsive communications in Bill Shihara's Telegram logs (which we have not yet received). In this context, Bittrex's refusal to search for Signal documents in response to RFP No 75, strongly suggest that Bittrex has not searched the full range of messaging and communication platforms requested by Plaintiffs.

Please tell us if Bittrex collected and performed a search of Signal, text message, and other messaging platforms. If so, please tell us the custodians and platforms that Bittrex searched and the search parameters (including search terms and date ranges) that it used to search them. If not, please tell us whether it now intends to search all those platforms, and the search parameters that it intends to use.

We request a response by **January 26, 2023**.

Regards,
Anne

Anne Arcoleo

Associate [Email]

Selendy Gay Elsberg PLLC [Web]

Pronouns: she, her, hers

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From: Campbell, Eamonn W. <ecampbell@omm.com>

Sent: Wednesday, January 18, 2023 7:56 PM

To: Anne Arcoleo <aarcoleo@selendygay.com>; Rudzin, Abby F. <arudzin@omm.com>; Greg Hollon <GHollon@mcnaul.com>; Timothy B. Fitzgerald <TFitzgerald@mcnaul.com>; Elisabeth J. Guard <eguard@mcnaul.com>; Lisa Nelson <LNelson@mcnaul.com>; Jennifer Hickman <JHickman@mcnaul.com>; Matt Monkress <mmonkress@mcnaul.com>

Cc: TetherLawyers@schneiderwallace.com; Xinchun Li <xli@selendygay.com>; Rachel Slepoy <rslepoy@selendygay.com>

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Anne,

We can meet and confer after 2 pm on Friday. We could also do after 3 pm on Monday or after 11 am on Tuesday.

Best,
Eamonn

Eamonn W. Campbell
O: +1-212-728-5878
ecampbell@omm.com

From: Anne Arcoleo <aarcoleo@selendygay.com>

Sent: Tuesday, January 17, 2023 10:20 AM

To: Campbell, Eamonn W. <ecampbell@omm.com>; Rudzin, Abby F. <arudzin@omm.com>; Greg Hollon <GHollon@mcnaul.com>; Timothy B. Fitzgerald <TFitzgerald@mcnaul.com>; Elisabeth J. Guard <eguard@mcnaul.com>; Lisa Nelson <LNelson@mcnaul.com>; Jennifer Hickman <JHickman@mcnaul.com>; Matt Monkress <mmonkress@mcnaul.com>

Cc: TetherLawyers@schneiderwallace.com; Xinchun Li <xli@selendygay.com>; Rachel Slepoy <rslepoy@selendygay.com>

Subject: RE: In re Tether and Bitfinex Crypto Asset Lit., No. 19-CV-09236 | Bittrex's Responses and Objections to Third RFPs

[EXTERNAL MESSAGE]

Counsel,

Please let us know when you are available to meet and confer this week regarding Bittrex's Responses and Objections to Plaintiffs' Third RFPs.

Best,
Anne

Anne Arcoleo

Associate [Email]

Selendy Gay Elsberg PLLC [Web]

Pronouns: she, her, hers

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From: Campbell, Eamonn W. <ecampbell@omm.com>

Sent: Thursday, January 12, 2023 5:08 PM

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Cc: Rudzin, Abby F. <arudzin@omm.com>; Greg Hollon <GHollon@mcnaul.com>; Timothy B. Fitzgerald <TFitzgerald@mcnaul.com>; Elisabeth J. Guard <eguard@mcnaul.com>; Lisa Nelson <LNelson@mcnaul.com>; Jennifer Hickman <JHickman@mcnaul.com>; Matt Monkress <mmonkress@mcnaul.com>

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Counsel,

Attached are Bittrex's objections and responses to Plaintiffs' third set of requests for production.

Best,
Eamonn

O'Melveny

Eamonn W. Campbell

Counsel

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